

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

BRIAN RANDLE et al

PLAINTIFFS

V.

CASE NO. 3:05CV74

CITY OF NEW ALBANY, MISSISSIPPI

DEFENDANT

ORDER

This cause comes before the Court on the defendant's motion in limine [54-1]. The Court has reviewed the briefs. The Court finds that this motion should be GRANTED IN PART with some of the evidentiary matters RESERVED FOR TRIAL as follows:

The City's motion to exclude certain testimony of plaintiff Brian Randle as double hearsay is GRANTED. The plaintiffs conceded the inadmissibility of this testimony.

The City's motion to exclude evidence of a conversation between plaintiff Richard Hamric and former Alderman Herman Hendrix (who is now deceased) is RESERVED FOR TRIAL, at which time the parties may present more thorough arguments as to whether or not this conversation is admissible under Rule 804(b)(3) or Rule 807.

The City's motion to exclude any reference to the City's wealth or lack thereof is conceded by both parties and is therefore GRANTED.

This is the 25th day of July, 2006.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE